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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,746	04/18/2000	Michael G. Foulger	2018.001000	2629

26111 7590 11/18/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
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WASHINGTON, DC 20005

EXAMINER
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HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### Introduction

1. **Claims 1 – 55 of U. S. Application No. 09/551,746** amended on **8/24/2005** are presented for reconsideration in view of Applicant's arguments. An interview attempting to place the application in condition for allowance has led to confusion as to whether the Applicant is aware of any possible interferences. Please note in response, the following Requirement for Information under 37 C.F.R. 1.105.

### Requirement for Information - 37 C.F.R. § 1.105

2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

3. In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

- a. Is there a potential interference or is the Applicant planning to pursue interference proceedings upon allowance regarding this application?
- b. Are there any references, sources, publications, applications, services, products or any other form of art of which the Applicant, Applicant's representative, or Assignee is aware might infringe upon or be deemed to interfere with the instant application?
- c. If the answer to "a" or "b" is yes, what component(s) and/or limitation(s) would be argued in an interference proceeding or deemed to be substantially similar to some form of art?

Art Unit: 2176

d. The debatable limitation(s) of the claimed invention rests with the interpretation and definition of "propagative poster". Compare and contrast the claimed invention specifically a "propagative poster" with what is believed by Applicant to be the closest art known – not just prior art.

e. In the broadest, most reasonable interpretation, the claimed "propagative poster" is an ad banner, which simply accesses host site content and provides host site content to remote users over the World Wide Web. Compare and contrast the difference between "propagative poster" and an "ad banner", which is a well-established term of art. Please note that "propagative" is a term of degree, which needs to be definitely defined.

4. In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

6. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this

Art Unit: 2176

requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

8. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Conclusion***

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Art Unit: 2176

Typed or printed name of person signing this certificate:

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### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. ( ) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NH

  
HEATHER R. HERNDON  
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